

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED
SEP 26 2011
WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By Deputy Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
INTEGRATED PRODUCTION SERVICES, INC.,)
)
Defendant.)

CR 11 - 068 - KEW
Case No. _____

INFORMATION [M]

The United States Attorney charges:

BACKGROUND

A. Clean Water Act

1. The Federal Water Pollution Control Act, commonly known as the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, was enacted by Congress to restore and maintain the chemical, physical, and biological quality of the Nation's waters. 33 U.S.C. § 1251(a). In addition, the Clean Water Act was enacted to prevent, reduce, and eliminate water pollution in the United States and to conserve the waters of the United States for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the use of such waters for public drinking water, agricultural, and industrial purposes. 33 U.S.C. § 1252 (a).

2. The Clean Water Act prohibits the discharge of any pollutant into waters of the United States, except in compliance with a permit issued pursuant to the Clean Water Act's National Pollutant Discharge Elimination System ("NPDES"), issued by the United States

Environmental Protection Agency (“EPA”) or an authorized state. 33 U.S.C. §§ 1311(a), 1342.

3. The term “discharge of a pollutant” is defined as the addition of any pollutant to navigable waters, meaning the waters of the United States, from any point source. 33 U.S.C. § 1362 (12). A “point source” is defined by the Clean Water Act as any discernible, confined and discrete conveyance from which pollutants are discharged, for example a pipe, ditch, or channel. 33 U.S.C. § 1362(14).

B. Pettigrew Well Site

4. At all times relevant to this Information: Pettigrew Well 18-3H (“well site”) was a natural gas well located near Atoka, Oklahoma. The well site was owned and operated by Antero Resources Corporation. The well site was an earthen pad, approximately 1.2 acres in surface area. The earthen pad has a downhill slope towards its southern portion. At the edge of the earthen pad’s southern portion, an earthen berm, approximately 18 inches in height, was in place to prevent any drilling or waste materials from flowing into the creek.

5. The southern portion of the well pad was above and adjacent to Dry Creek, a tributary of Boggy Creek, which is traditional navigable water as defined by the Clean Water Act. 33 U.S.C. § 1362(7). Dry Creek is a “water of the United States” as defined by the Clean Water Act. 33 U.S.C. § 1362(7).

6. Drilling operations for completion at the Pettigrew well site included the following. “Acidizing” and hydraulic fracturing (or “fracking”) created fractures that extend from the well bore at the surface through rock or coal formations in the substrata. As part of the acidizing and fracking process, coiled tubing is inserted down thousands of feet through the substrata. In addition, hydrochloric acid is injected to penetrate through the rock or coal formations in the

substrata. Wastewater generated at the well site that contained hydrochloric acid was a “pollutant” as defined by the Clean Water Act. 33 U.S.C. § 1362 (6).

DEFENDANT

7. At all times relevant to this Information, defendant Integrated Production Services, Inc., a Texas corporation, was the coiled tubing contractor at the Pettigrew well site. As the coiled tubing contractor at the Pettigrew well site, defendant Integrated Production Services, Inc. was responsible for ensuring that its employees conducted operations so that pollutants, including hydrochloric acid, were not discharged from the site into Dry Creek.

**DISCHARGE OF ACID-CONTAMINATED WASTEWATER
AT THE PETTIGREW WELL SITE**

8. On or about May 24, 2007, the coiled tubing supervisor for defendant Integrated Production Services, Inc. drove a truck owned by Integrated Productions Services, Inc. through the Pettigrew well site’s earthen berm, in order to discharge liquid that had accumulated on the well pad. The hole that the coiled tubing supervisor created by driving through the berm constituted a “point source” as defined by the Clean Water Act, 33 U.S.C. § 1362(14).

COUNT ONE

9. Paragraphs 1 through 8 are realleged.

10. On or about May 24, 2007, in the Eastern District of Oklahoma, defendant Integrated Production Services, Inc., through the acts of its employees, acting within the scope of their employment, negligently discharged and caused the discharge of pollutants from a point source into the waters of the United States, to wit: by an Integrated Production Services coiled tubing supervisor driving a truck owned by Integrated Production Services through the Pettigrew well

site's earthen berm, thereby discharging wastewater containing pollutants, including hydrochloric acid, from the Pettigrew well site into Dry Creek.

All in violation of 33 U.S.C. § 1319(c)(1)(A) and 18 U.S.C. § 2.

MARK F. GREEN
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